

NAGALAND INFORMATION COMMISSION
OLD SECRETARIAT COMPLEX,
POST BOX NO. 148
NAGALAND
KOHIMA – 797001

No. NIC/Compln-26/2009/

Dated Kohima, the 25th March, 2009

Complainant : **Mr. V.Vinito Choppy,
President,
Consumer Society, Dimapur- 797112,
Nagaland.**

**Respondent
Public Authority** : **Department of Legal Metrology And
Consumer Protection,
Government of Nagaland,
Nagaland,Kohima.**

Date of Hearing - **25.3.2009**

Present : **(1) Shri Ramongo Lotha, Public Information Officer (PIO) and
Additional Secretary, Legal Metrology and Consumer Protection,
Nagaland, Kohima.**

(2) Shri Kezhokhoto Savi, President, NVCO for the Complainants.

Facts.

Shri V. Vinito Choppy, President, Consumer Society, Dimapur Nagaland submitted a complaint to the Commission under Section 18 (1) of the RTI Act 2005 on 4.3.2009 stating that he had submitted RTI application on 10.11.2008 to the PIO, Department of Legal Metrology and Consumer Protection, Government of Nagaland Kohima seeking certain information but that he had not been furnished the same till date of complaint.

The Commission decided to hear and inquire into the complaint. Hearing was held on 25.3.2009.

The Complainant Shri Kezhokhoto Savi stated that the information sought have not been furnished by the PIO till 24.3.2009, though the RTI application was submitted to the PIO on 10.11.2008.

Shri Ramongo Lotha PIO and Additional Secretary to Government of Nagaland, Legal Metrology and Consumer Protection submitted that the RTI application of 10.11.2008 was received on 10.11.2008, but that due to their official engagements and late receipt of information from their Directorate, the information could not be given. He stated that the same can be furnished today to the applicant. He also submitted a written explanation dated 24.3.2009 to the Commission today on his statements.

Decision

The Commission noted that the information's sought are being furnished to the applicants today.

The Commission observe that the application was received by the PIO on 10.11.2008 and that the applicant had not been furnished the information sought till 24.3.2009, though the statutory period of 30 days expired on 10.12.2008. There has been a delay of 104 days i.e. from 11.12.2008 to 24.3.2009. As per Section 20 of RTI Act 2005, a penalty of Rs. 250/- per each day of delay without reasonable cause, in furnishing information sought is impossible on the PIO, subject to a maximum of Rs. 25,000/-.

The Commission therefore direct Shri Ramongo Lotha, PIO and Additional Secretary, Legal Metrology and Consumer Protection, Kohima to show cause as to why he should not pay penalty @ Rs. 250/- per each day of delay for 104 days w.e.f. 11.12.2008 to 24.3.2009 for delay in furnishing information sought subject to maximum of Rs. 25,000/- within 10 days from the date of pronouncement of this decision.

Pronounced in Open Proceedings today 25.3.2009.

Copies be given to the Parties.

Copy be given to:

1. The Additional Chief Secretary to the Government of Nagaland, Legal Metrology and Consumer Protection, Nagaland, Kohima.
- 2.

Sd/-

P. Talitemjen Ao, IAS (Rtd)
Chief information Commissioner,
Nagaland

Sd/-

Rev. Dr. W. Pongsing Konyak
State Information Commissioner,
Nagaland

Sd/-

Dr. Kuhoi K Zhimomi
State Information Commissioner,
Nagaland.

Authenticated by me

Under Secretary
Nagaland Information Commission
Kohima